



1           2.       Founded in 1975, Microsoft is a worldwide leader in computer software, services  
2 and solutions for businesses and consumers. Since 1979, Microsoft has been headquartered in  
3 the Seattle, Washington metropolitan area.

4           3.       Microsoft has a long history of technical and design innovation in the software  
5 and hardware products it develops and distributes. These products include successful and  
6 critically acclaimed video game systems such as the Xbox 360, and accessories for such systems,  
7 including controllers for the Xbox 360. Microsoft invests substantially in innovative and  
8 attractive designs for its products, and seeks to protect that investment through securing patents  
9 for its unique designs, including the patents asserted in this action.

10          4.       On information and belief, Defendant Datel Design and Development Ltd. is a  
11 British corporation organized and existing under the laws of the United Kingdom having a  
12 principal place of business at Stafford Road, Stone, Staffordshire, ST15 ODG, United Kingdom.

13          5.       On information and belief, Defendant Datel Design and Development Inc. is a  
14 United States corporation organized and existing under the laws of Florida and is a wholly  
15 owned subsidiary of Datel Design and Development Ltd. On information and belief, Datel  
16 Design and Development Inc.'s principal place of business is 33 N. Garden Avenue, Clearwater,  
17 Florida 33755.

18          6.       On information and belief, Defendants are in the business of manufacturing and  
19 selling accessories for other companies' game systems, including without limitation, game  
20 controllers for Microsoft's Xbox 360 game system. On information and belief, Defendants offer  
21 their game system accessories worldwide, including in the United States and specifically in the  
22 greater Seattle metropolitan area, via their websites and the websites of internet retail companies,  
23 and also via retail stores such as Walmart, Best Buy and Target, among many others. On  
24 information and belief, Defendants do business within the Western District of Washington.

**JURISDICTION AND VENUE**

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Defendants are subject to this Court's personal jurisdiction, consistent with the principles of due process and the Washington Long Arm Statute, because Defendants offer their products for sale in the Western District of Washington, have transacted business in this District, and/or have committed and/or induced acts of patent infringement in this District.

**PATENT INFRINGEMENT COUNTS**

10. Microsoft is the owner of all right, title, and interest in U.S. Patent Nos. D521,015; D522,011; D547,763; D581,422; D563,480; and D565,668 (collectively, "the Microsoft patents-in-suit"), which the Defendants are infringing and/or inducing others to infringe by making, using, offering to sell or selling in the United States, or importing into the United States, products that practice inventions claimed in the Microsoft patents-in-suit.

11. The Defendants have profited through infringement of the Microsoft patents-in-suit. As a result of the Defendants' unlawful infringement of the Microsoft patents-in-suit, Microsoft has suffered and will continue to suffer damage. Microsoft is entitled to recover from the Defendants the damages suffered by Microsoft as a result of the Defendants' unlawful acts.

12. On information and belief, the Defendants intend to continue their unlawful infringing activity, and Microsoft continues to and will continue to suffer irreparable harm—for which there is no adequate remedy at law—from such unlawful infringing activity unless Defendants are enjoined by this Court.

**COUNT I**

**INFRINGEMENT OF U.S. PATENT NO. D521,015**

13. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

14. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D521,015 (“the ‘015 patent”), entitled “Portion of a Game Controller,” duly and properly issued by the U.S. Patent and Trademark Office on May 16, 2006. A copy of the ‘015 patent is attached as Exhibit A.

15. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘015 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘015 patent.

**COUNT II**

**INFRINGEMENT OF U.S. PATENT NO. D522,011**

16. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

17. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D522,011 (“the ‘011 patent”), entitled “Portion of a Game Controller,” duly and properly issued by the U.S. Patent and Trademark Office on May 16, 2006. A copy of the ‘011 patent is attached as Exhibit B.

18. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘011 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘011 patent.

**COUNT III**

**INFRINGEMENT OF U.S. PATENT NO. D547,763**

19. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

20. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D547,763 (“the ‘763 patent”), entitled “Portion of a Game Controller,” duly and properly issued by the U.S. Patent and Trademark Office on July 31, 2007. A copy of the ‘763 patent is attached as Exhibit C.

21. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘763 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘763 patent.

**COUNT IV**

**INFRINGEMENT OF U.S. PATENT NO. D581,422**

22. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

23. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D581,422 (“the ‘422 patent”), entitled “Portion of a Game Controller,” duly and properly issued by the U.S. Patent and Trademark Office on November 25, 2008. A copy of the ‘422 patent is attached as Exhibit D.

24. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘422 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘422 patent.

**COUNT V**

**INFRINGEMENT OF U.S. PATENT NO. D563,480**

25. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

26. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D563,480 (“the ‘480 patent”), entitled “Portion of a Gaming Input Device Having an Illuminated Region,” duly and properly issued by the U.S. Patent and Trademark Office on March 4, 2008. A copy of the ‘480 patent is attached as Exhibit E.

27. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘480 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘480 patent.

**COUNT VI**

**INFRINGEMENT OF U.S. PATENT NO. D565,668**

28. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-12.

29. Microsoft is the owner of all right, title, and interest in U.S. Patent No. D565,668 (“the ‘668 patent”), entitled “Portion of a Gaming Input Device Having an Illuminated Region,” duly and properly issued by the U.S. Patent and Trademark Office on April 1, 2008. A copy of the ‘668 patent is attached as Exhibit F.

30. The Defendants have been and/or are directly infringing and/or inducing others to infringe the ‘668 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, game controllers, including Defendants’ “TurboFire” or “WildFire” game controllers, that embody or incorporate the claim of the ‘668 patent.

**DEMAND FOR JURY TRIAL**

31. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Microsoft respectfully requests a trial by jury on all issues properly triable by jury.

**PRAYER FOR RELIEF**

WHEREFORE, Microsoft prays for relief as follows:

A. For a judgment declaring that Defendants have infringed the claim of each of the Microsoft patents-in-suit;

B. For a judgment awarding Microsoft compensatory damages as a result of Defendants' infringement of the Microsoft patents-in-suit, together with interest and costs, and in no event less than a reasonable royalty, in accordance with 35 U.S.C. § 284, or awarding Microsoft Defendants' total profit from the infringing products, together with interest and costs, in accordance with 35 U.S.C. § 289;

C. For a judgment declaring that Defendants' infringement of the Microsoft patents-in-suit has been willful and deliberate;

D. For a judgment declaring that this case is exceptional and awarding Microsoft its expenses, costs, and attorneys fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of the Federal Rules of Civil Procedure;

E. For a grant of preliminary and permanent injunctions pursuant to 35 U.S.C. § 283, enjoining Defendants from further acts of infringement; and

F. For such other and further relief as the Court deems just and proper.

1 Dated: April 1, 2010

s/ Mark S. Parris

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